

AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 395

Introduced by Senator Florez

February 20, 2003

~~An act to add Section 13042 to the Financial Code, relating to automated teller machines. An act to amend Section 2255 of the Corporations Code, relating to corporations.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 395, as amended, Florez. ~~Automated teller machines~~
Corporations: fraud.

Existing law ~~requires the owner, operator, or person responsible for an automated teller machine to provide adequate lighting during hours of darkness with respect to the machine~~ *provides that every director, officer, agent, or shareholder of any corporation, domestic or foreign, who, with intent to defraud, destroys, alters, mutilates, or falsifies any of the books, papers, writings, or securities belonging to the corporation, or makes or concurs in omitting to make any material entry in any book of accounts or other record or document kept by the corporation, is guilty of a public offense, punishable, as specified.*

This bill would ~~require an operator of an automated teller machine in this state to equip the machine with an emergency access button for customer safety~~ *make that crime a felony. By increasing the penalty for a crime, the bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 13042 is added to the Financial Code,~~
2 ~~to read:~~

3 ~~13042. Every operator of an automated teller machine in this~~
4 ~~state shall equip the machine with an emergency access button for~~
5 ~~customer safety.~~

6 *SECTION 1. Section 2255 of the Corporations Code is*
7 *amended to read:*

8 2255. (a) Every director, officer or agent of any corporation,
9 domestic or foreign, who knowingly receives or acquires
10 possession of any property of the corporation, otherwise than in
11 payment of a just demand, and, with intent to defraud, omits to
12 make, or to cause or direct to be made, a full and true entry thereof
13 in the books or accounts of the corporation is guilty of a public
14 offense *punishable by imprisonment in the state prison, or by*
15 *imprisonment in a county jail for not exceeding one year, or a fine*
16 *not exceeding one thousand dollars (\$1,000), or by both that fine*
17 *and imprisonment.*

18 (b) Every director, officer, agent or shareholder of any
19 corporation, domestic or foreign, who, with intent to defraud,
20 destroys, alters, mutilates or falsifies any of the books, papers,
21 writings or securities belonging to the corporation or makes or
22 concurs in omitting to make any material entry in any book of
23 accounts or other record or document kept by the corporation is
24 guilty of a ~~public offense felony.~~

25 ~~(c) Each public offense specified in this section is punishable~~
26 ~~by imprisonment in a state prison, or by imprisonment in a county~~
27 ~~jail for not exceeding one year, or a fine not exceeding one~~
28 ~~thousand dollars (\$1,000), or by both such fine and imprisonment.~~

29 *SEC. 2. No reimbursement is required by this act pursuant to*
30 *Section 6 of Article XIII B of the California Constitution because*
31 *the only costs that may be incurred by a local agency or school*
32 *district will be incurred because this act creates a new crime or*
33 *infraction, eliminates a crime or infraction, or changes the penalty*

1 *for a crime or infraction, within the meaning of Section 17556 of*
2 *the Government Code, or changes the definition of a crime within*
3 *the meaning of Section 6 of Article XIII B of the California*
4 *Constitution.*

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